

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN TRISVAN,

Petitioner,

ORDER

22-CV-2600 (EK)

-against-

DEPARTMENT OF CORRECTIONAL SERVICES,

Respondent.

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ERIC KOMITEE, United States District Judge:

On May 5, 2022, John Trisvan, proceeding *pro se*, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his 1997 conviction for manslaughter in the first degree. ECF No. 1. Petitioner did not pay the requisite filing fee of \$5 or submit an *in forma pauperis* ("IFP") application to waive the filing fee.

On May 11, 2022, the Clerk of Court sent Trisvan a Notice of Deficient Filing and instructed him that to proceed with this action, he would have to return the completed IFP application or pay the filing fee within 14 days of receipt of the letter. ECF No. 2. The Clerk of Court enclosed a blank IFP application with the Notice. *Id.* On May 26, 2022, Petitioner submitted an unsigned check for \$5, which was returned to him by

the Clerk's Office. To date, Petitioner has not paid the filing fee or filed an IFP application.

Accordingly, the petition is dismissed without prejudice. The Clerk of Court is respectfully directed to close this case and to send a copy of this Order to Petitioner.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: November 8, 2022
Brooklyn, New York